

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: LIKOUREZOS et al. GROUP ART UNIT: 3692

SERIAL NO.: 09/764,618 FILED: January 17, 2001

EXAMINER: Clement B. Graham Atty. Docket No. 1002

FOR: **SYSTEM AND METHOD FOR EFFECTING PAYMENT
FOR AN ELECTRONIC COMMERCE TRANSACTION**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Confirmation No. 7876

Sir:

I, GEORGE LIKOUREZOS, declare as follows:

1. I am one of the named inventors in U.S. Patent Application Serial No. 09/764,618 filed on January 17, 2001.
2. XPRT VENTURES, LLC is the Assignee of the present application.
3. I have read the Office Action mailed on April 30, 2008 in the above-identified patent application. In the Office Action I understand that the Examiner rejected Claims 1-57 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 20020087461 issued to Ganesan et al. ("the Ganesan et al. Publication") in view of U.S. Patent No. 6,629,082 issued to Hambrecht et al. ("Hambrecht et al.").

4. I make this declaration under 37 C.F.R. §1.131 in order to present information as a showing of facts evidencing invention and reduction to practice of the subject matter of the rejected claims prior to December 28, 2000 the filing date of the Ganesan et al. Publication.

5. All acts set forth herein took place in the United States.

6. Appended hereto as Exhibits A1 and A2 are true copies of a disclosure describing the invention titled "SYSTEM AND METHOD FOR MAKING PAYMENTS FOR ONLINE AUCTIONS" (Exhibit A1) and a draft of the patent application as filed with figures (Exhibit A2) that shows the subject matter of the present invention. Both documents provide evidence of the invention of the subject matter claimed prior to December 28, 2000, which has been redacted to remove dates and/or confidential/proprietary information.

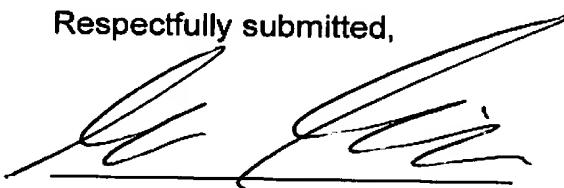
7. Support for the limitations in the pending Claims of the application can be found throughout Exhibits A1 and A2. Exhibit A1 provides support for the limitations in many of the pending Claims of the application, since Exhibit A1 discusses, *inter alia*, debiting and crediting online payment accounts for effecting payments for online auctions. Additionally, Exhibit A2 in its entirety provides support for all of the limitations in the pending Claims of the application, since Exhibit A2 as noted above is a draft of the patent application as filed with figures.

8. Exhibits A1 and A2 in the portions thereof cited, evidences the making of the invention of Claims 1-57 of the subject application in the U.S. prior to December 28, 2000, the priority date of the Ganesan et al. Publication. Exhibits A1 and A2 both provide support for the language added to Applicants' independent claims by the amendment filed on February 27, 2008. For example, Exhibit A2 states at page 6, lines 14-17, "The prospective bidders provide funds to their electronic auction payment accounts maintained by the computerized electronic auction payment system, prior to being deemed as winning bidders, via direct deposit, using a credit card, or sending a check, money order, or other financial document to an operator of the computerized electronic auction payment system." The same exhibit, as a further example, at page 13, lines 4-8 states, "Each electronic auction payment account is configured for storing funds therein (similar to a bank account) which can be used to effect payment, and not information relating to sources which can be used to initiate payment, such as credit card information. Further, each electronic auction payment account is configured for the system 110 to loan funds to, in case there are insufficient funds therein, to effect payment, as described below."

9. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Dated: 7/29/08



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